

## REMARKS

The claims of the present application are identical to the claims originally presented in the parent of the present application upon original filing, U.S. Patent Application No. 09/866,425, filed May 24, 2001. In the parent, the Examiner rejected independent claims 1 and 7 as being anticipated by Landsman et al., U.S. Publication No. 2003/0004804 A1; Judson, U.S. Patent No. 5,737,619; and the Pornrodeo reference of record. Each of the dependent claims were rejected as being either anticipated by one or more of the references cited above, or obvious in view of a combination of these references with other cited prior art.

Independent claim 1 patentably distinguishes over Landsman and Judson because each of those references fails to disclose the limitation of a “opening a post-session platform . . . in said background of said media.” As noted by the Examiner, both Landsman and Judson disclose loading an advertisement into cache memory while a web page is loading. The advertisement later “pops up” into the foreground of a display so that it will be viewed by a user. The Examiner contended that the term “background” reads upon the cache memory of Judson and Landsman. The applicant notes that the particular claim language used requires that a post-session platform be opened in the claimed background. The specification describes a platform as being able to “play, show, enable, perform, transmit, update, or record the selected display. Platforms . . . may include, for example, Web browsers, browser windows, media channels, media stations, media frequencies, audio connections, streaming media, content delivery applications, media viewing or interacting technology, and similar means.” Specification at p. 7, lines 34-38.

The Examiner's contention that the cache memory of Landsman and Judson is a "background", as claimed is not well founded because neither reference discloses opening a platform in the cache memory. To the contrary, these references suggest the opposite. Landman, for example discloses that advertisements be stored in a queue in cache memory, and that any associated web browsers or media players needed to open or otherwise present the advertisement are not opened until that advertisement is *first removed from the queue in cache memory*. Landsman, however, indicates that these platforms are opened in the foreground of a display, rather than the background of a display. Similarly, Judson discloses that information objects be embedded in HTML comment tags where they are *ignored* by browsers (i.e. the platform) until a link associated with the information object is activated, at which point the information object is retrieved from cache memory before being opened, again in the foreground of a display. Because neither Landsman nor Judson disclose the step of "opening a post-session platform . . . in said background of said media," independent claim 1 patentably distinguishes over these two references and should be allowable.

Claims 2-6 depend from claim 1 and are patentable for the same reasons asserted for claim 1.

Independent claim 7 patentably distinguishes over Landsman and Judson because each of those references fails to disclose the limitation of a "a post-session platform for displaying a post-session display in said background of said media." As noted by the Examiner, both Landsman and Judson disclose loading an advertisement into cache memory while a web page is loading. The advertisement later "pops up" into the foreground of a display so that it will be viewed by a user. The Examiner contended

that the term “background” reads upon the cache memory of Judson and Landsman. The applicant notes that the particular claim language used requires a post-session platform for *displaying* a post-session display *in said background* . . . . The Examiner’s contention that the cache memory of Landsman and Judson is a “background”, as claimed, is not well founded because loading an advertisement or other information object in cache memory, as disclosed by Landsman and Judson, does not display that advertisement or information object. To the contrary, these references suggest the opposite. Landman, for example discloses that advertisements be stored in a queue in cache memory, and that any associated web browsers or media players needed to present or otherwise display the advertisement are not opened until that advertisement is *first removed from the queue in cache memory*. Landsman, however, indicates that these platforms are opened in the foreground of a display, rather than the background of a display. Similarly, Judson discloses that information objects be embedded in HTML comment tags which are *ignored* by browsers (i.e. the platform) until a link associated with the information object is activated, at which point the information object is retrieved from cache memory before being displayed, again in the foreground of a display. Because neither Landsman nor Judson disclose that a post-session platform be displayed in the background, independent claim 7 patentably distinguished over these two references and should be allowable.

Claims 8-13 depend from claim 7 and are patentable for the same reasons asserted for claim 7.

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In view of the foregoing remarks, consideration and allowance of  
claims 1-13 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'K. Russell', written in a cursive style.

Kevin L. Russell

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